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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GOYEA, OLUSEGUN

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/569,761	Applicant(s) VON HELMOLT ET AL.	
	Examiner OLUSEGUN GOYEA	Art Unit 3687	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 March 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Applicant's arguments have been fully considered but they are not persuasive. The claimed invention does not overcome the applied art of record.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Matthew S Gart/
Supervisory Patent Examiner, Art Unit 3687

Applicant's arguments regarding the rejection of claims 1-12, 14, 15 and 19 under 35 U.S.C. 103(a) based on US 7249044 (Kumar) in view of US 7281046 (Sunderasan et al.), claims 13, 16-18 under 35 U.S.C. 103(a) based on Kumar, Sunderasan and further in view of US 5649103 (Datta et al.) and claims 20-28 under 35 U.S.C. 103(a) based on Kumar in view of Datta and further in view of Sunderasan have been fully considered but they are not persuasive.

Regarding claim 1, Applicant argues that neither Kumar nor Sunderasan discloses the feature, "receiving a request for an item from a customer data processing system at a central data neither Kumar nor Suderasanssing system, wherein the request includes an item identifier associated with the item; generating a plurality of sub-requests for sub-items of the item, each of the sub-items are mapped to the item based on the item identifier and sub-item identifiers associated with the sub-items" (emphasis added).

Applicant submits that in rejecting claim 1, the Examiner cited numerous sections of Kumar to allegedly disclose "generating a plurality of sub-requests for sub-items of the item, each of the sub-items are mapped to the item based on the item identifier and sub-item identifiers associated with the sub-items" as recited in claim 1. However, the Examiner does not provide any explanation as to the relevance of the cited sections of Kumar. Rather, this is left as an exercise for the reader. After reviewing the cited sections of Kumar the Applicants have been unable to determine what portions of Kumar the Examiner alleges teach or suggest mapping sub-items to items based on an item identifier and sub-item identifiers.

Applicant explains that Kumar discloses a system in which clients submit requests for products to a fulfillment server. The requests include line- items which pertain to the products requested by the clients. See Id. Sub-requests may subsequently be generated for the products associated with each line-item. See Id. However, Kumar fails to disclose "generating a plurality of sub-requests for sub-items of the item, each of the sub-items are mapped to the item based on the item identifier and sub-item identifiers associated with the sub-items," because the line-items of Kumar are not mapped to sub-items based on identifiers associated with the line-items such that sub-requests for these mapped sub- items can be generated. See Id. Instead, the line-items form the basis for the sub-requests without being mapped to sub-items with associated identifiers. See Id. Therefore, Kumar fails to disclose the cited elements of amended claim 1, because line-items are not mapped to sub-items based on associated identifiers. The only portion of Kumar that discloses mapping items is related to mapping items to suppliers. Specifically, requested items are mapped to potential suppliers of these items. See Kumar, Column 15, Lines 46-57. However, mapping requested items to suppliers is not equivalent to mapping sub-items to requested items, because the mapping of Kumar does not involve a mapping between items within a hierarchy of items. Additionally, Kumar does not disclose that the mapping is implemented using identifiers, because Kumar is silent as to using identifiers to map requested items.

In addition, Applicant submits that Sunderasan fails to cure the deficiencies of Kumar. Sunderasan discloses a system and method for providing communications between network service providers. See Sunderasan, Column 2, Lines 19-35. in Sunderasan, a service provider may transmit a request for resources to another service provider. See Id. The request is comprised of one or more sub- requests for the resources. See Sunderasan, Column 2, Lines 55-59. However, similar to Kumar, Sunderasan fails to disclose "generating a plurality of sub-requests for sub-items of the item, each of the sub-items are mapped to the item based on the item identifier and sub-item identifiers associated with the sub-items," because the requested resources of Sunderasan are not mapped to other sub-items/resources based on identifiers associated with the requested resources such that sub-requests for mapped sub-items can be generated. See Id. instead, the originally requested resources form the basis for the sub-requests without being mapped to sub-items with an identifier. See Id. Therefore, Sunderasan fails to cure the deficiencies of Kumar, because requested resources are not mapped to sub-items based on associated identifiers.

Further, in rejecting claim 1, the Examiner has also cited M.P.E.P. §§ 2141.01(a) and 2144.04(VI) to support the alleged obviousness of the elements of "generating a plurality of sub- requests for sub-items of the item, each of the sub-items are mapped to the item based on the item identifier and sub-item identifiers associated with the sub-items" as recited in claim 1. See Final Office Action, Page 3. However, the Examiner has not provided a clear argument regarding how these sections of the M.P.E.P. are relevant to establishing a prima facie case of obviousness based on the combination of Kumar and Sunderasan. M.P.E.P. § 2141.01 (a) discusses how to determine analogous and non-analogous art and M.P.E.P. § 2144.04(VI) discusses reversal, duplication, or rearrangement of parts for supporting a finding of obviousness under 35 U.S.C. § 103. It is not readily apparent how these sections are relevant to the Examiner's argument and as mentioned above the Examiner has not provided an explanation of their relevance. Thus, the Examiner has failed to provide clearly articulated reasoning with some rational underpinning to support the legal conclusion of obviousness as required by the court in KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396, because the cited sections of the Kumar, Sunderasan and the M.P.E.P. do not establish a prima facie case of obviousness on their face and the Examiner has not provided an explanation as to how these references establish a prima facie case of obviousness.

Based on at least the reasons discussed above, the Applicants submit that the Examiner has failed to establish a prima facie case of obviousness of claim 1 in view of the combination of Kumar and Sunderasan. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1.

Further, regarding claims 14, 19, 20 and 25, Applicant submits that they contain similar limitations as recited in claim 1 and are allowable over the cited references as explained above for claim 1. Also, Applicant submits that with respect to the rejections of claims 2-13, 15-18, 21-24 and 26-28, these claims depend from independent claims 1, 14, 20 and 25 respectively, and incorporate the limitations thereof. The Examiner's argument assumes that the combination of Kumar and Sunderasan discloses all elements of claims 1 and 14 which are incorporated in dependent claims 2-13, 15-18, 21-24 and 26-28. However, as discussed above, the combination of Kumar and Sunderasan does not disclose all the limitations of claims 1, 14, 20 and 25. Therefore, claims 2-13, 15-18, 21-24 and 26-28 are not taught or suggested by the cited references. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of these claims.

In response to Applicant's arguments, Examiner respectfully disagrees.

The system according to Kumar teaches that clients submit ATP request to fulfillment server 16, each requests including one or more lines items (i.e. each requests have multiple items to be fulfilled/supplied). Fulfillment servers brokers component ATP requests corresponding

to these line items (i.e. the initial request is broken into one or more sub-requests) to the appropriate ATP servers and LFM's for appropriate quotations. The component quotations are manipulated to present a unified overall quotation to the requesting client. The system of Kumar teaches a scenario whereby a request is broken into subrequests and the responses are combine to provide a matching response to the initial request. It is inherent that each sub-quotation is matched to the sub-request and combine to give an overall quotation of the original request. Thus, Kumar teaches a request and quotation system involving mapping sub-quotations to sub-requests to provide a matching quotation to the initial request. (see col. 4, lines 42-67, figures 2 and 3). This is analogous to Applicant's invention wherein each sub-response are mapped to a corresponding sub-request to provide a response to the original item request. Hence, the reference to MPEP 2141.01(a). "...Thus, a reference in a field different from that of applicant's endeavor may be reasonably pertinent if it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his or her invention as a whole."

In addition, Kumar teaches that the request attributes may contain user id, customer id, customer request id, request id, etc (see col. 12, lines 5-14). Kumar discloses that the components ATP request attributes may contain component request id, LFM/ATP server id, etc. (see col. 16, lines 51-65). Kumar (col. 17, lines 50-57) discusses how each ATP requests from the fulfillment server are fulfilled by an LFM/ATP server. Thus, the quotations (responses) from each of the ATP/LFM will be mapped to its corresponding component request. The responses will be combined to generate a unified overall response matching the original request. Also, see MPEP 2144.01.

Further, although the Examiner has pointed out particular references contained in the prior art in the office action, other portions of the prior art disclosure may apply. Applicant, should consider fully the entire reference as potentially teaching all or part of the claimed invention, in preparing the response.